

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHY A. BOYER (#418448) and
JAMES W. BOYER,

Plaintiffs,

CASE NO. 2:14-CV-11503
JUDGE BERNARD A. FRIEDMAN
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS,
DANIEL H. HEYNS,
MILLICENT WARREN and
ROBERT LACY,

Defendants.

**ORDER GRANTING AUGUST 6, 2014 STIPULATED MOTION (Doc. Ent. 22) TO
AMEND PLAINTIFFS' APRIL 14, 2014 VERIFIED COMPLAINT (Doc. Ent. 1)**

A. Plaintiffs' April 14, 2014 Verified Complaint and Jury Demand

Kathy A. Boyer (#418448) was discharged from the Michigan Department of Corrections (MDOC) on January 24, 2014. *See* www.michigan.gov/corrections, "Offender Search." On April 14, 2014, Boyer and her husband, James W. Boyer, via counsel, filed the instant lawsuit against the MDOC; Daniel H. Heyns, Director of the MDOC; Millicent Warren, Warden of the Women's Huron Valley Correctional Facility (WHV); and Robert Lacy, described as WHV's Chief Medical Officer. Doc. Ent. 1.

Plaintiffs allege that Kathy Boyer was incarcerated at WHV from July 2011 to July 2012. The allegations underlying the complaint stem from a March 14, 2012 fall. *See* Doc. Ent. 1 ¶¶ 7-68. Plaintiffs claim that (I) "delayed access to healthcare and unsafe living conditions violate the Eighth Amendment to the United States Constitution and 42 U.S.C. § 1983[.]" and (II) "loss of

consortium as to plaintiff James Boyer.” Doc. Ent. 1 ¶¶ 69-83, 84-89.

Defendants have filed answers and affirmative defenses. *See* Doc. Entries 11, 12 & 16.

B. Plaintiffs’ August 6, 2014 Stipulated Motion to Amend Plaintiffs’ Verified Complaint

Judge Friedman has referred this case to me for pretrial matters. Doc. Ent. 17. On August 6, 2014, plaintiffs filed a stipulated motion (Doc. Ent. 22) to amend plaintiffs’ verified complaint (Doc. Ent. 1). By this motion, plaintiffs seek to correct errors in Paragraphs One and Seventy-Seven of their April 14, 2014 original complaint. Doc. Ent. 22 ¶ 5. Furthermore, plaintiffs represent that counsel for each defendant concurred, so long as changes were limited to Paragraphs One and Seventy-Seven. Doc. Ent. 22 ¶ 6.

C. Order

Upon consideration, plaintiffs’ August 6, 2014 stipulated motion (Doc. Ent. 22) to amend plaintiffs’ verified complaint (Doc. Ent. 1) is GRANTED. Plaintiffs SHALL file their proposed verified first amended complaint and jury demand (Doc. Ent. 22-1) forthwith.

IT IS SO ORDERED.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: September 10, 2014

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing was sent to parties of record on September 10, 2014, electronically and/or by U.S. mail.

s/Michael Williams
Case Manager for the
Honorable Paul J. Komives